

Appl. No.: 10/714,359
Amtd. dated January 31, 2005
Reply to Office Action mailed 1/10/05

II. Remarks In Response to the Office Action

A. General Remarks

Claims 105-317 are pending in the application. Claims 269, 291, 293, and 298 have been amended. No claims have been added or cancelled in this reply.

B. Claim Rejections under 35 U.S.C. § 112, 1st Paragraph

Claims 269-317 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Office Action states that "Applicant has provided new language in the new independent claim 269 that does not appear to be supported by the disclosure. The phrase 'a plurality of linear strokes' does not appear to be written in the instant specification. It is requested that these claims be cancelled."

Applicants have amended claim 269 to clarify that the plurality of strokes is "along an axis." This amendment of claim 269 is fully supported by the written description of the present application. For example, the amendment is at least supported by originally filed claims 11, 24, 39, 44, 49, 78, 81, 95, and 100; Paragraphs [0026], [0065], [0078], [0091], and [0094]; and Figures 1C, 2A, 3A, 5A, 5B, 10A, and 10D.

Given the above identified support for claim 269, reconsideration and withdrawal of the rejection of claim 269-317 under 35 U.S.C. § 112, first paragraph, is respectfully requested, and the allowance of these claims is requested in the next paper from the Office.

C. Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph

Claims 269-317 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

The Office Action states: "Regarding claim 269, it is not clear what Applicant intends by the recitation 'linear strokes', i.e. is this opposite of 'angular' strokes? Also, Applicant recites

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metering loose tobacco 'by reciprocating' through a plurality of linear strokes, but it is not clear what is being reciprocated, i.e. the tobacco? a metering member? Clarification is requested.

Applicants have amended claim 269 to recite "metering loose tobacco from a hopper to a compression chamber by reciprocating a first member through a plurality of linear strokes along an axis." Applicants believe this amendment clarifies the claim. Reconsideration and withdrawal of the rejection of claim 269-317 under 35 U.S.C. § 112, second paragraph, is respectfully requested and the allowance of these claims is requested in the next paper from the Office.

D. Conclusion

Claims 105-268 have already been allowed, and claims 269-317 appear to be allowable now that the 35 U.S.C. § 112 problems have been addressed. In sum, all of the pending claims 105-317 are believed to be allowable, and the Applicants respectfully request the issuance of a notice of allowance as the next paper from the Office.

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To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8